

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
vs.) Case No. CR-05-62-D
)
KEITH ALLEN KREHBIEL,)
)
Defendant.)

ORDER

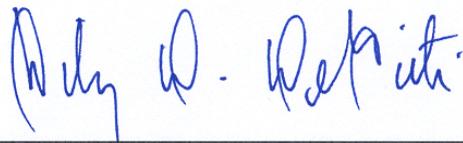
Before the Court is Defendant's motion [Doc. No. 44] for modification of the conditions imposed for his supervised release term. Although Defendant has not yet been released from confinement and thus has not yet begun serving his supervised release term, he asks the Court to alter certain specific conditions imposed pursuant to the September 21, 2005 judgment entered in this case. The government objects to the motion, construing it as contrary to the terms of the plea agreement executed by Defendant.

Defendant's motion is brought pursuant to 18 U. S. C. § 3583(e)(2), which authorizes a Court to modify the supervised release conditions imposed. The statute generally allows the Court to "modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release." 18 U. S. C. § 3583(e)(2). In this case, however, Defendant's term of supervised release has not yet commenced. Accordingly, the Court cannot apply the typical considerations applicable to a request to modify supervised release conditions because Defendant has not yet had an opportunity to demonstrate compliance with those conditions. At this stage, his request asks the Court to remove from his conditions of supervised

release various restrictions on his computer access as well as his contact with minors. Defendant contends that his conduct while incarcerated merits the Court's modification of these restrictions.

The Court concludes that Defendant's motion is premature, as he has not yet begun serving his supervised release term. Accordingly, the motion is denied without prejudice to Defendant's right to reassert it at a later time when appropriate.

IT IS SO ORDERED this 11th day of June, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE